



**United States Environmental Protection Agency**  
**Region I**  
**5 Post Office Square, Suite 100**  
**Boston, MA 02109-3912**

**CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

[Final]

**MAY 7 - 2014**

Mr. Tyler Stone, Director of Operations  
Webster Valve-Watts Water Technologies  
583 South Main Street  
Franklin, NH 03235

**Re: NOTICE OF VIOLATION** of the Resource Conservation and Recovery Act ("RCRA"), the Hazardous and Solid Waste Amendments ("HSWA") of 1984, and the State of New Hampshire Department of Environmental Services, New Hampshire Code of Administrative Rules (Chapter Env-Hw 100 through 1114.04)

Dear Mr. Stone:

On August 26-27, 2013, the United States Environmental Protection Agency (EPA) conducted a Compliance Evaluation Inspection at Webster Valve-Watts Water Technologies ("Webster Valve" or the "Facility") in Franklin, New Hampshire. The purpose of this inspection was to determine the compliance of Webster Valve (EPA ID No. NHD058537960) with the State of New Hampshire Department of Environmental Services (NHDES), New Hampshire Code of Administrative Rules (Chapter Env-Hw 100 through 1114.04), and Federal Hazardous Waste Management Regulations found at 40 CFR Part 260-272. The State of New Hampshire has been granted final authorization by EPA to administer certain portions of RCRA.

As a result of the inspection, EPA has determined that your facility violated certain provisions of the NHDES Rules and the RCRA regulations, promulgated at 40 CFR Part 260 through Part 272. The specific violations are set forth below:

- 1. Failure to ensure that satellite accumulation area (SAA) containers remain closed at all times except to add or remove waste, as required by NHHWR Env-Hw 509.03(d), which references NHHWR Env-Hw 507.01 (specifically, 507.01(a)(3)).**

Specifically, at the time of the inspection, EPA observed the following open SAA container:



SAA No. 23 located outside of the paint booth in Department 93 of Building A:

EPA observed a drum located outside of the paint booth labeled "Hazardous waste, waste flammable solid, nos, xylene, methyl ethyl ketone, D001, D035, F003, F005." This drum was 2/3-full and was situated under a drum compactor. The compactor was not creating a tight seal around the perimeter of the open drum, causing the drum to remain open while no wastes were being added or removed from the container. Facility representative, Mr. Emerson, indicated that the waste in this drum was generated in the adjacent paint spray booth.

**2. Failure to determine if waste is a hazardous waste, in accordance with NHHWR Env-Hw 502.01.**

Specifically, at the time of the inspection, EPA observed the following containers within the Facility's main hazardous waste storage area (HWSA) that had not undergone an adequate hazardous waste determination:

- a. EPA observed one 55-gallon drum labeled "Non-hazardous mineral spirits, profile P012012017M142." During the record review segment of EPA's inspection, EPA reviewed two 2013 nonhazardous shipping documents (specifically, shipping document UISA0357246 and UISA0357101) that shipped a combined total of 375 gallons of "waste combustible liquid, mineral spirits" corresponding to waste profile number P012012017M142.

The profile indicates that the flash point of this waste is 145 degrees Fahrenheit, however, in 2011 a TCLP metals analysis on this waste indicated that it contained 6.4 ppm of lead. No additional metals analyses were available on this waste stream since 2011; and

- b. EPA observed several containers of commercial chemical products located on two wooden pallets, adjacent to a wooden bin of waste paint related material. According to Facility representative Mr. Manseau, these containers were placed in the HWSA and were slated to be disposed of during the next shipment. He indicated that they still needed to be profiled. EPA noted the following manufacturer labels on some of these containers: Metal Guard 801; Ultrasoak 127; Renoclean SV7; and Super-Sol-107CF. There were also 6 1-liter and 3 1/2-liter plastic containers in a box whose labels could not be easily accessed.

**3. Failure to ensure that containers and tanks used for the storage of hazardous wastes are clearly labeled or marked with the following information at the time they are first used to store wastes: the words "hazardous waste;" words that identify the contents of the container; and the EPA or state waste code number, as required by NHHWR Env-Hw 507.03(a)(1)(b), (c) and (d).**

Specifically, at the time of the inspection, EPA observed the following containers of hazardous waste that were not appropriately labeled:

Within the Main HWSA:

- a. One approximately 1 cubic yard tote (hereafter referred to as "tote") labeled "Profile No. 6COLXM, coolant, oil and water mixture, to be evaporated, see EHS Team if



you have questions, hazardous waste, liquid, nos, lead.” This tote was missing the waste code D008;

- b. One tote labeled “Profile No. 6COLXM, coolant, oil and water mixture, to be evaporated, see EHS Team if you have questions, hazardous waste, liquid, nos, lead.” This tote was undated and was missing a waste code;
- c. One tote labeled “Profile No. 6COLXM, coolant, oil and water mixture, to be evaporated, see EHS Team if you have questions, hazardous waste, liquid, nos, lead.” This tote was missing the waste code D008;
- d. One closed 5-gallon container labeled “Hazardous waste, petroleum distillates, nos, 2, PG111, Shellsol15, 8/8/13.” This container was not labeled with a waste code;
- e. One closed 1-gallon container labeled “hazardous waste, waste sodium hypochlorite, 6/2/13.” This container was not labeled with a waste code;
- f. EPA observed a gray, wheeled (approximately 100-gallon) transfer tank. This tank was completely unlabeled. According to Facility representative Mr. Manseau, it is used to collect oil/water wastes, water soluble coolants from machining processes and rinse waters from the resin impregnation process. Some of the waste transferred by this tank corresponds to waste profile P012313016COLXM (pre-evaporator spent coolant- a hazardous waste liquid containing lead (D008). The tank contents are immediately brought back to the HWSA and either emptied directly into the Facility’s WWTU/evaporator system, regulated under a NHDES Hazardous Waste Limited Permit, or emptied into one of the storage totes located in the HWSA which are eventually fed into the WWTU/evaporator system; and

Drum located directly outside of the Main HWSA (i.e., SAA No. 25):

[Note: Since SAA No. 25 was not at or near the point of waste generation or under direct control of the operator of the process generating the waste, it was not a true SAA, but rather an extension of the HWSA.]

- a. EPA observed a black, 55-gallon drum labeled “non-hazardous waste, fluorescent bulbs, universal waste, profile P030512016UNV.” Mr. Manseau indicated that the drum actually contained broken fluorescent lamps. Inspectors explained that the broken lamps no longer meet the definition of universal waste, and that the drum actually should have been labeled “hazardous waste,” marked or labeled with words that describe the contents (i.e. broken mercury-containing fluorescent lamps), and marked with a waste code (i.e., D009).

**4. Failure to label or mark satellite accumulation area containers of hazardous waste with the words “hazardous waste,” and words that identify the contents of the container, as required by NHHWR Env-Hw 509.03(g).**

Specifically, at the time of the inspection, EPA observed the following improperly labeled SAA:

SAA No. 24 in Departments 72, and near Department 91, in Building A: This full, 55-gallon drum was completely unlabeled. The area posting for this SAA indicated



"Hazardous Waste Storage Area 24, Profile no. 1CYH4, One 55-gallon Drum." The full waste profile number is PO12012021CYH4- oil debris with lead solids, absorbents from machining area.

**5. Failure to ensure that universal waste lamps are labeled with any or all of the following: "Universal Waste-Lamps; Waste Lamps, or Used Lamps," as required by NHHWR Env-Hw 1112.04(a),(b) and (c).**

Specifically, at the time of the inspection, EPA observed the following mislabeled universal waste lamps in the Main HWSA: Six boxes of universal waste lamps all dated "8/20/13" and labeled "non-hazardous waste."

**6. Failure to ensure that containers and tanks used for the storage of hazardous wastes are clearly labeled or marked with the beginning accumulation date, as required by New Hampshire Waste Rule Env-Hw 507.03(a)(1)(a).**

Specifically, at the time of the inspection, the following undated containers of hazardous wastes were observed:

Within the Main HWSA:

- a. One approximately 1-cubic yard tote (hereafter referred to as "tote") labeled "Profile No. 6COLXM, coolant, oil and water mixture, to be evaporated, see EHS Team if you have questions, hazardous waste, liquid, nos, lead, D008." This tote was undated;
- b. One tote labeled "Profile No. 6COLXM, coolant, oil and water mixture, to be evaporated, see EHS Team if you have questions, hazardous waste, liquid, nos, lead." This tote was undated;
- c. One tote labeled "hazardous waste, liquid, nos, lead, D008." This tote was undated;
- d. One tote labeled "Profile No. 6COLXM, coolant, oil and water mixture, to be evaporated, see EHS Team if you have questions, hazardous waste, liquid, nos, lead." This tote was undated;
- e. One tote labeled "Profile No. 6COLXM, coolant, oil and water mixture, to be evaporated, see EHS Team if you have questions, hazardous waste, liquid, nos, lead." This tote was undated;

Drums and totes located directly outside of the Main HWSA:

- f. EPA observed three totes and two 55-gallon drums that were situated outside of the HWSA. One of the drums was labeled "Hazardous Waste, solid, nos, chromium, lead, D007, D008, profile P012012021CYH4." This drum was undated;
- g. One black, 55-gallon drum located in the area identified as SAA No. 25 (see note above regarding SAA No. 25) labeled "hazardous waste, RQ, solid, nos, chromium, lead, D007, D008, profile P012012021CYH4." This drum was undated;
- h. One black, 55-gallon drum located in the area identified as SAA No. 25 labeled "non-hazardous waste, fluorescent bulbs, universal waste, profile P030512016UNV."



Facility representative Mr. Manseau indicated that the drum actually contained broken fluorescent lamps. Accordingly, this drum actually should have been labeled "hazardous waste," marked or labeled with words that describe the contents (i.e. broken mercury-containing fluorescent lamps), and marked with a waste code (i.e., D009). The drum was undated; and

- i. One black, 55-gallon drum located in the area identified as SAA No. 25 labeled "hazardous waste, waste aerosols, flammable, nos, aliphatic hydrocarbons, carbon dioxide, D001." This drum was undated.

**7. Failure to label or mark satellite accumulation area containers that have reached the accumulation limit with the date the accumulation limit was reached, and with the EPA or state waste number, as applicable, as required by NHHWR Env-Hw 509.03(i)(1)(a) and (b).**

Specifically, at the time of the inspection, EPA observed the following undated, full SAA containers:

- a. SAA No. 23 located outside of the paint booth in Department 93 of Building A: This drum was labeled "hazardous waste, waste flammable solid, nos, xylene, methyl ethyl ketone, D001, D035, F003, F005." This drum was full, but had not yet been marked with a start accumulation date. Mr. Emerson indicated that this full drum was just waiting for Mr. Manseau to date it and transfer it to the Main HWSA. EPA inspectors indicated that the drum should have been dated as soon as it became full, and that it should be moved to the HWSA within three days of becoming full and dated; and
- b. SAA No. 24 in Departments 72, and near Department 91, in Building A: This full, 55-gallon drum was completely unlabeled and undated. The area posting for this SAA indicated "Hazardous Waste Storage Area 24, Profile no. 1CYH4, One 55-gallon Drum."

**8. Failure to ensure that satellite accumulation area containers are located at or near the point of waste generation and under the control of the operator of the process generating the waste, as required by New Hampshire Hazardous Waste Rule Env-Hw 509.03.**

The Main HWSA is enclosed within a chain link fence. Immediately outside of the fence, at the left of the gate leading into the HWSA, EPA observed a storage area referred to as a satellite accumulation area (specifically, SAA No. 25). There were four 55-gallon drums located in SAA No. 25 and, according to Facility representative Mr. Manseau, the drums are used by Facility personnel for waste containerization and storage when Mr. Manseau is not available. Two of the four drums contained hazardous waste, specifically:

- a. A black 55-gallon drum labeled "hazardous waste, RQ, solid, nos, chromium, lead, D007, D008, profile P012012021CYH4;" and
- b. A black 55-gallon drum labeled "hazardous waste, waste aerosols, flammable, nos, aliphatic hydrocarbons, carbon dioxide, D001."



**9. Failure to ensure that hazardous waste labels are not hidden by wall or other containers, as required by NHHWR Env-Hw 507.03(a)(2).**

Specifically, at the time of the inspection the following hazardous waste labels were not visible:

- a. One Tote in Main HWSA: EPA observed a tote labeled "hazardous waste, liquid, nos, lead, D008." This tote was only approximately 8 inches away from another tote, which made it difficult to observe the label; and
- b. One Large Storage Conex Box/Shipping Container used as the Facility's second less-than 90-day HWSA: At the time of the inspection, this orange-colored conex box was located to the right of a white truck trailer used to store spent mold sand. The outside of the conex box was placarded with the words "Hazardous Waste Storage Area, Unauthorized Personnel Keep Out," and an emergency contact posting. The outer door of the conex box also had a hazardous waste label that read "hazardous waste, RQ, UN3077, waste, environmentally hazardous substance, solid, nos, lead, D008, 7/29/13 (which, according to Facility representatives, is the date the first sack/tote went into the HWSA after the last shipment)." The box contained 4 Supersaks™ and 12 lined one cubic yard boxes. According to Facility representative Mr. Nadeau, the sacks and cubic yard boxes were all labeled the same as the hazardous waste label adhered to the outer door of the conex box. EPA inspectors entered the conex box and confirmed that (for the accessible containers) the labels were, in fact, identical, and all the dates were within the 90-day storage limit. However, some of the labels on the boxes were inaccessible for inspection since they were stored close behind the other accessible containers.

**10. Failure to ensure that the Hazardous Waste Contingency Plan (CP) lists the names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator, and that this list be kept up to date, as required by NHHWR Env-Hw 509.02(a)(5), which references 40 CFR 265.52(d) and 40 CFR 265.54(d).**

The available and in effect CP reviewed at the time of EPA's inspection contained inconsistencies with regard to the identity of primary and alternate emergency coordinators. For example, the responsibilities and duties of the Emergency Response Contacts (ERCs) and Alternates are mentioned on Page 5 of 23, Section 5.1, which references Appendix A for a specific list of ERCs and alternates. The listing of responsible parties in Appendix A differs from the ERCs posted at the HWSAs. It appears that the HWSA postings are more up-to-date than those listed in the CP. Specifically:

- a. For the 1<sup>st</sup> Shift: Appendix A in the CP identifies Ken Sargent (Manufacturing Manager) and Byran Anderson (Environmental Supervisor) as alternate ERCs. However, the HWSA postings list Tim Valentine (Manufacturing Manager) and Ryan Emerson (Environmental Supervisor);
- b. For the 2<sup>nd</sup> Shift: Appendix A in the CP identifies Art Dowling as the first alternate ERC, whereas the HWSA postings list James Pratt as the first alternate ERC; and
- c. For the 3<sup>rd</sup> Shift: Appendix A in the CP and the HWSA postings list multiple individuals as alternate contacts, however Appendix A lists Russell Nadeau (Director



of Operations). Erik Storrer (Foundry Manager) and Alan Sylvester (Safety Manager), while the HWSA postings list Tyler Stone (Director of Operations), Toney Clough (Foundry Manager) and Barry Abrams (Foundry Manager). All other listed staff are consistent between Appendix A and the HWSA postings.

**11. Failure to ensure that the CP describes the actions facility personnel must take in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility, as required by NHHWR Env-Hw 509.02(a)(5), which references 40 CFR 265.52(a).**

The CP reviewed during the inspection was unclear as to the specific responses that should be undertaken during an emergency event, or who actually should coordinate a response during an event. Regardless of who is listed in either the CP or on the HWSA postings, the CP instructs anyone that becomes aware of an emergency situation involving chemicals or spills to 1) dial "1804," announce the phrase "Code Green" five times, and to dial extension-1139 for the Environmental Supervisor. However, the CP and HWSA postings only list the 1<sup>st</sup> shift Environmental Supervisor, and he is identified as the second alternate emergency response coordinator (ERC). Additionally, the CP does not identify either the second or third shift Environmental Supervisors.

Finally, according to the CP (page 12 of 23, Section 7.2, under "Plant Evacuation"), Facility evacuation is required when either "the Vice President, Director, Department Manager, Maintenance Supervisor, or senior employee on site deem a fire, explosion hazard, weather condition or other circumstance exist" worthy of evacuation; or "when the ERC or alternate deem it necessary;" or "when ordered by the senior ranking officer of the Franklin Fire Department;" or "when ordered by the Civil Defense in times of national emergency." However, both the emergency postings in the CP and at the HWSAs direct that "employee response to either a fire or a chemical spill emergency is evacuation only." It is very unclear as to who has the authority to order an evacuation or other responses or, as the postings suggest, whether it is up to individuals discovering the emergency event. Furthermore, the specific responses to be initiated are unclear. [Note: At the time of the inspection, the Facility had already contracted GZA GeoEnvironmental, Inc. to update this CP.]

**Webster Valve is hereby required to:**

**Immediately upon receipt of this NOTICE:**

1. Ensure that satellite accumulation area (SAA) containers remain closed at all times except to add or remove waste, as required by NHHWR Env-Hw 509.03(d), which references NHHWR Env-Hw 507.01 (specifically, 507.01(a)(3));
2. Conduct timely and appropriate hazardous waste determinations, in accordance with NHHWR Env-Hw 502.01;
3. Ensure that containers and tanks used for the storage of hazardous wastes are clearly labeled or marked with the following information at the time they are first used to store wastes: the words "hazardous waste;" words that identify the contents of the container; and the EPA or state waste code number, as required by NHHWR Env-Hw 507.03(a)(1)(b), (c) and (d);



4. Ensure that SAA containers are labeled or marked with the words "hazardous waste," and words that identify the contents of the container, as required by NHHWR Env-Hw 509.03(g);
5. Ensure that universal waste lamps are labeled with any or all of the following: "Universal Waste-Lamps; Waste Lamps, or Used Lamps," as required by NHHWR Env-Hw 1112.04(a),(b) and (c);
6. Ensure that containers and tanks used for the storage of hazardous wastes are clearly labeled or marked with the beginning accumulation date, as required by New Hampshire Waste Rule Env-Hw 507.03(a)(1)(a);
7. Ensure that SAA containers that have reached the accumulation limit are marked or labeled with the date the accumulation limit was reached, and with the EPA or state waste number, as applicable, as required by NHHWR Env-Hw 509.03(i)(1)(a) and (b);
8. Ensure that satellite accumulation area containers are located at or near the point of waste generation and under the control of the operator of the process generating the waste, as required by New Hampshire Hazardous Waste Rule Env-Hw 509.03;
9. Ensure that hazardous waste labels are not hidden by wall or other containers, as required by NHHWR Env-Hw 507.03(a)(2);
10. Ensure that the Hazardous Waste Contingency Plan (CP) lists the names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator, and that this list be kept up to date, as required by NHHWR Env-Hw 509.02(a)(5), which references 40 CFR 265.52(d) and 40 CFR 265.54(d); and
11. Ensure that the CP describes the actions facility personnel must take in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility, as required by NHHWR Env-Hw 509.02(a)(5), which references 40 CFR 265.52(a).

**Within 30 days of receipt of this NOTICE:**

Webster Valve is required to submit a written description, with supporting documentation, of the actions taken to correct the aforementioned violations.

As a result of the review of information provided to EPA by Webster Valve after the inspection, Webster Valve has documented that it has undertaken steps to address and correct violations 1, 3-8, 10 and 11. Your response to this NOTICE should specifically describe corrective actions undertaken to address violations 2 (timely and appropriate hazardous waste determinations) and 9 (obstructed container labeling), and any additional information you would like to present in support of the other violations, described above.

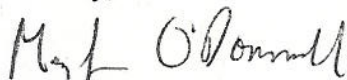
Information submitted in accordance with this NOTICE should be sent to the following address:

Ms. Susann D. Nachmann, Environmental Engineer  
US EPA Region 1 Office of Environmental Stewardship  
RCRA, EPCRA and Federal Programs Unit (OES05-1)  
5 Post Office Square, Suite 100  
Boston, Massachusetts 02109-3912



Failure to correct the violations, as required by this NOTICE may subject Webster Valve to further Federal enforcement action, including an assessment of penalties, pursuant to Section 3008 of RCRA, 42 U.S.C. § 692. If you have any questions regarding this NOTICE, please contact Susann D. Nachmann of my staff at (617) 918-1871.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mary Jane O'Donnell". The signature is fluid and cursive, with the first name "Mary" and last name "O'Donnell" clearly distinguishable.

Mary Jane O'Donnell, Acting Manager  
RCRA, EPCRA and Federal Programs Unit

cc: Richard Masters, Webster Valve-Watts Water Technologies  
John Duclos, NHDES  
Susann D. Nachmann, EPA  
RCRA file